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PE 11-18-507

## AGENCY REVIEW

# DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY PAROLE BOARD

## AUDIT OVERVIEW

The Parole Board Needs Additional Performance Measures and Has Limited Ability to Meet Its Current Performance Goal

The West Virginia Parole Board's Website is User-Friendly but Lacking in Transparency



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## EXECUTIVE SUMMARY

This report represents the Agency Review of the West Virginia Parole Board, as authorized by *West Virginia Code* §4-10-8(b)(4). The Legislative Auditor conducted a review of the Parole Board's processes, performance measures, and website. The Legislative Auditor found the Parole Board has limited influence on the only performance measures provided to the *Executive Budget*, is in need of additional performance measures, and can make improvements to its website to increase transparency.

### Report Highlights:

#### Overview:

- The Parole Board's supplied performance measure is important, but the Board has limited influence upon it.

### Issue 1: The Parole Board Needs Additional Performance Measures and Has Limited Ability to Meet Its Current Performance Goal

- From FY 2008 to FY 2010 2,914 inmates received delayed parole hearings of more than one month due to missing or incomplete documentation from other state agencies.
- The Parole Board does not track recidivism and has no performance measured gauging how effective it is in releasing inmates who are not a threat to society.

### Issue 2: The West Virginia Parole Board's Website is User-Friendly but Lacking in Transparency

- The Parole Board's website scored 8 out of 32 points in transparency.
- The Parole Board's website has an events calendar that has not been updated since June 2010.

## Recommendations

1. *The Legislative Auditor recommends that the West Virginia Parole Board should list the number of parole hearings delayed by reason in the Operating Detail of the Executive Budget.*
2. *The Legislative Auditor recommends that the West Virginia Parole Board should begin tracking the recidivism rate of parolees and report it as a performance measure in the Operating Detail of the Executive Budget.*
3. *The West Virginia Parole Board should consider providing parole hearing dates, times, and locations as well as access to budgetary information and other public documents on its website.*

## ISSUE 1

### **The Parole Board Needs Additional Performance Measures and Has Limited Ability to Meet Its Current Performance Goal**

#### **Issue Summary**

The Parole Board only has a single performance measure with an associated performance goal. In order to better perform its mission, the Parole Board should establish additional performance measures. The Parole Board is responsible for releasing inmates that have the lowest risk to the public. Because parolees who return to a life of crime adversely affect the public, the Parole Board should track the recidivism rate of parolees as a performance measure. Although it is important to track recidivism, the ability of the Parole Board to control recidivism is limited, since the Board does not manage reintegration and remediation efforts.

#### **The Parole Board's Mission Statement Is Consistent With West Virginia Code**

State agencies are required to submit division-level performance measures for the *Operating Detail* of the State's Executive Budget as part of the appropriation request process. Other information reported includes the agency's mission statement, goals, and objectives. Although legislative appropriations are not based on performance measures submitted by state agencies, performance measures are required in order to promote accountability before the Legislature and the public, and to encourage agencies to become result-oriented in their operations.

The Legislative Auditor has observed that many state agencies have not provided adequate performance goals or measures in the *Operating Details* of the State's Executive Budget. In some cases, the performance measures are not strongly tied to the agency's overall mission, while in other cases the list of performance measures is incomplete. In addition, state agencies often do not provide goals or benchmarks for their performance measures. Without a performance goal or benchmark, a performance measure does not indicate whether performance is good or needs improvement.

The West Virginia Parole Board stated its mission statement as follows:

West Virginia Parole Board  
Mission Statement

To release those inmates eligible for parole who will not be a menace, danger, or threat to society and who have displayed suitability for early release based upon all available information.

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*The Parole Board should consider tracking the recidivism rate as a performance measure.*

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The Legislative Auditor examined the agency’s mission statement to determine if the agency’s focus is statutorily supported. The performance of an agency is tied to what the agency considers its mission. Therefore, the mission statement should be clearly understood by the agency and it should not be more or less than what is statutorily required. The Legislative Auditor determines that the agency’s mission statement is consistent with its enabling statute as shown in the following table.

<b>The West Virginia Parole Board’s mission statement is:</b>	
fully supported by statute.	X
not supported by statute.	
is less than statutorily required.	
is more than statutorily mandated.	
is determined administratively as allowed by statute.	

*The Legislative Auditor determines that the agency’s mission statement is consistent with its enabling statute as shown in the following table.*

### Mission Statement Source

The West Virginia Parole Board’s mission statement is supported by Chapter 62, Article 12, Section 13 of *West Virginia Code*.

- **§62-12-13(a):** *The board of parole, whenever it is of the opinion that the best interests of the state and of the inmate will be served, and subject to the limitations hereinafter provided, shall release any inmate on parole for terms and upon conditions as are provided by this article.*
- **§62-12-13(D)(5):** *Has satisfied the board that if released on parole he or she will not constitute a danger to the community.*
- **§62-12-13(d):** *In the case of a person sentenced to any state correctional center, it is the duty of the board, as soon as a person becomes eligible, to consider the advisability of his or her release on parole.*

The West Virginia Parole Board’s mission statement is consistent with its code requirements to ensure that persons released on parole are not a threat to society.

## The Parole Board Provided A Single Performance Measure That It Has Limited Influence On

Fiscal Year	Actual 2007	Actual 2008	Estimated 2009	Actual 2009	Estimated 2010	Estimated 2011
<b>Reduce the average number of delayed parole hearings to ten percent by 2015.</b>						
Delayed parole hearings*	12%	13%	10%	35%	25%	15%
<p>* The law requiring an approved home plan has been placed into effect; it has almost completely eliminated the number of parolees with unapproved home plans (with exception of current paroled inmates without an approved home plan prior to the law being enforced). Approved home plans, combined with on-site parole interviews, have allowed inmates to be released on parole the same day as the parole interview. However, the number of postponed hearings has increased dramatically due to the lack of approved home plans. To alleviate this current problem, the agency is submitting legislation to change the West Virginia Code.</p>						

The West Virginia Parole Board is required to hold a parole hearing for an inmate within the month that he or she becomes eligible for parole. However, parole hearings are often delayed for a variety of reasons.

Additional time spent incarcerated because of delayed hearings can have immeasurable effects upon family relationships and responsibilities. Due to the potential consequences of delayed parole hearings, the Legislative Auditor agrees that reducing the number of delayed parole hearings is an important performance measure for the Parole Board. However, the Parole Board has limited influence on this goal. In order for a parole hearing to take place, the Parole Board must have necessary documents that are prepared by other agencies. From FY 2008 to FY 2010, a total of 2,914 inmates had their parole hearings delayed due to missing or incomplete paperwork from other agencies. There may be a relatively small number of hearings that are delayed because of the Parole Board’s inaction; nevertheless, most parole hearings are delayed because of other agencies. It is not clear how the Parole Board can meet the performance goal of reducing delays to 10 percent by 2015. Since the Parole Board is mandated to release those who are eligible and suitable for parole, it should track and record the number of hearings delayed and the reason they were delayed.

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*Most parole hearings are delayed because of other agencies.*

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## The Parole Board Should Report Recidivism as a Performance Measure

The Legislative Auditor views the Parole Board’s mission as having two essential goals; the first being to timely release prisoners. The second goal is to release inmates who are not a danger to society based upon all available information. The Parole Board did not report a performance measure related to the outcome measures of parolees. Measuring the

number of parolees who return to crime does relate to how well the Parole Board is releasing those who are not a menace to society. The Parole Board does not track the revocation or recidivism rates for persons who were released on parole.

The Division of Corrections tracks the recidivism rates for parolees by cohort. Recidivism is defined as a return to prison within three years of release. Table 1 shows the recidivism rate for parolees.

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*The Parole Board does not track the revocation or recidivism rates for persons who were released on parole.*

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**Table 1**  
**Recidivism Rate of Parolees by Cohort 2001-2007**

Cohort Year	Parolees Released	Recidivist	Recidivism Rate
2001	472	139	29%
2002	650	196	30%
2003	722	267	37%
2004	769	256	33%
2005	1,049	365	35%
2006	1,081	422	39%
2007	1,430	541	38%

*Source: Department of Corrections Recidivism Reports.*

According to the Division of Corrections, the recidivism rate for parolees has increased from 29 percent for parolees released in FY 2001 to 38 percent for those released in FY 2007. It is worthwhile to note that while the recidivism rate is an important measure in gauging the performance of the Parole Board, parole revocations and recidivism are influenced by several factors not under the control of the Parole Board. Nevertheless, it is the Legislative Auditor's opinion that the recidivism rate for parolees is relevant to the mission of the Parole Board and an important gauge in judging how well the agency is performing in releasing inmates who will not pose a threat to the public.

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*The recidivism rate for parolees is relevant to the mission of the Parole Board and an important gauge in judging how well the agency is performing in releasing inmates who will not pose a threat to the public.*

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## Conclusion

Agencies need relevant and reliable performance measures that are within their means to influence. Performance measures provide a means to determine where additional improvement is needed as well as highlight areas of strength. The West Virginia Parole Board is in need of additional performance measures such as the recidivism rate of parolees or their revocation rate. The decisions of the Parole Board can have an immense impact on the safety of the public if a parolee returns to a life of crime. Because of this, measuring the recidivism rate of parolees is necessary to assist the Parole Board in evaluating its policies and their effect on the public.

## **Recommendations**

1. *The Legislative Auditor recommends that the West Virginia Parole Board should list the number of parole hearings delayed by reason in the Operating Detail of the Executive Budget.*
2. *The Legislative Auditor recommends that the West Virginia Parole Board should begin tracking the recidivism rate of parolees and report it as a performance measure in the Operating Detail of the Executive Budget.*



## ISSUE 2

### The West Virginia Parole Board’s Website is User-Friendly but Lacking in Transparency

#### Issue Summary

The Legislative Auditor conducted a literature review on assessments of government websites and developed an assessment tool to evaluate West Virginia’s state agency websites (see Appendix C). The assessment tool lists a number of website elements; however, some elements should be included in every state website, while other elements such as social media links, graphics and audio/video features may not be necessary or practical for certain agencies. Table 2 indicates that the West Virginia Parole Board integrates 38 percent of the checklist items in its website. This measurement shows that the Parole Board needs to increase efforts to improve the user-friendliness and transparency of its website. Modest improvements, such as providing budget information and hearing dates could be made to improve transparency.

<b>Table 2</b> <b>West Virginia Parole Board</b> <b>Website Evaluation Score</b>			
Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
	<b>Parole Board 38%</b>		
<i>Source: The Legislative Auditor’s review of the Parole Board’s website.</i>			

### The Parole Board Scores Well in User-Friendliness but Low in Transparency

In order to actively engage with an agency online, citizens must first be able to access and comprehend information on government websites. Therefore, government websites should be designed to be user-friendly. **A user-friendly website is understandable and easy to navigate from page to page.** Government websites should also provide transparency of an agency’s operation to promote accountability and public trust. **A website that promotes transparency provides sufficient information on an agency’s budget, organization and performance.**

*Table 3 demonstrates that while the Parole Board website is user-friendly and needing only modest improvements, its transparency leaves much room for improvement.*

The Legislative Auditor reviewed the Parole Board website for both user-friendliness and transparency. Table 3 demonstrates that while the Parole Board website is user-friendly and needing only modest improvements, its transparency leaves much room for improvement.

<b>Category</b>	<b>Possible Points</b>	<b>Agency Points</b>	<b>Percentage</b>
<b>User-Friendly</b>	18	11	61
<b>Transparent</b>	32	8	25
<b>Total</b>	<b>50</b>	<b>19</b>	<b>38</b>

*Source: Legislative Auditor's assessment of the Parole Board website.*

## **The Parole Board Website Is User-Friendly and Needs Only Modest Improvement**

The Parole Board website is easy to navigate as every page is linked to the agency's homepage, as well as a search tool and site map which acts as an index of the entire website. The website also displays a Frequently-Asked-Questions (FAQ) section that allows users to immediately obtain answers to the most common questions presented to the Parole Board.

### **User-Friendly Considerations**

Overall, the Parole Board website allows for the public to easily navigate the website but it does not allow for public comments for improvement or the public to share information. The following are a few improvements that could lead to a more user-friendly website:

- **Mobile Functionality**- The agency's website is not available in a mobile version and/or the agency has created mobile applications.
- **Feedback Options**- A page where users can voluntarily submit feedback about the website or a particular section of the website.
- **RSS Feeds**- RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.

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*The Parole Board website allows for the public to easily navigate the website but it does not allow for public comments for improvement or the public to share information.*

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## **The Parole Board Website Is Lacking in Transparency and Needs Major Improvement**

A website that is transparent will have elements such as email contact information, the location of the agency, the agency's phone number, as well as public records, the budget and performance measures. A transparent website also allows interaction between the agency and citizens concerning a host of issues. The Parole Board website has some of the core elements that are necessary for a general understanding of the agency. Items such as contact information, the agency's phone number, and a mission statement allow members of the public to understand the function of the agency and to contact it by telephone. The Parole Board website does not contain an updated calendar of events, the agency's budget, or public records. The website does contain a calendar of events, but it has not been updated since June 2010.

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*The website does contain a calendar of events, but it has not been updated since June 2010.*

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### **Transparency Considerations**

The Parole Board website is not transparent and in need of several improvements. The following are a few attributes that could be beneficial to the Parole Board in increasing its transparency:

- **Calendar of Events**- Up-to-date information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).
- **Public Records**- The agency's website should contain applicable public records such as Statutes, Rules and/or Regulations, contracts, audits, grants, and meeting minutes.
- **Budget**- Budget data should be available at the checkbook level, ideally in a searchable database.
- **FOIA Information**- Information on how to submit a FOIA request, ideally with an online submission form.
- **Performance Measures/Outcomes**- A page linked to the homepage explaining the agency's performance measures and outcomes.

### **Conclusion**

The Parole Board website is user-friendly but lacking in transparency. Website users can find a search tool, a sitemap, and a FAQ section on a functional and understandable website. However, users are not provided any links to relevant public records or scheduled

parole hearing dates and locations. Users of the Parole Board website will not find budget information, agency performance measures, or information on how to submit a FOIA. Providing website users with this information would greatly improve transparency. **It is the Legislative Auditor’s opinion that in order to increase transparency and public accountability, the Parole Board should provide budget information; performance measures and outcomes; parole hearing dates, times, locations; and other public records on its website.**

### **Recommendation**

3. *The West Virginia Parole Board should consider providing parole hearing dates, times, and locations as well as access to budgetary information and other public documents on its website.*

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*Users of the Parole Board website will not find budget information, agency performance measures, or information on how to submit a FOIA*

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## Appendix A: Transmittal Letter

### WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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John Sylvia  
Director

December 2, 2011

Mr. Dennis W. Foreman, Chairman  
West Virginia Parole Board  
1409 Greenbrier Street  
Suite 220  
Charleston, WV 25311

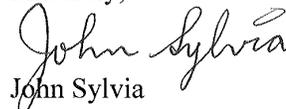
Dear Chairman Foreman:

This is to transmit a draft copy of the Performance Review of the West Virginia Parole Board. This report is scheduled to be presented during the January 8-10, 2012 interim meetings of the Joint Committee on Government Operations, and Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

We need to schedule an exit conference to discuss any concerns you may have with the report. We would like to have the meeting on or before December 9, 2011. To schedule an exact time, please contact Michael A. Castle, research analyst, at (304) 347-4904. In addition, we need your written response to the report by noon on December 16, 2011 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 5, 2012 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

  
John Sylvia

Enclosure

cc: Joseph C. Thornton, Cabinet Secretary DMAPS  
Christine F. Morris, Deputy Cabinet Secretary DMAPS

*Joint Committee on Government and Finance*



## Appendix B: Objective, Scope and Methodology

### Objective

This report on the West Virginia Parole Board is part of the agency review of the West Virginia Department of Military Affairs and Public Safety pursuant to *West Virginia Code* §4-10-8(b)(4). The objective of this review was to evaluate the Parole Board's processes, performance measures, and website. Our specific objectives were to determine:

#### Parole Hearing Process

- what is the process of parole hearings,
- how does the agency determine if inmates should be granted parole,
- in what areas can the Parole Board make improvements

#### Performance Measures

- the agency had relevant performance measures to govern the agency,
- appropriate performance measures that can be controlled and monitored by the agency for future use,

#### Website

- if the agency has a website, and
- is the website user-friendly and transparent.

### Scope

The scope of this review consisted of reviewing the various processes involved in making parole decisions and the agency's performance measures. The timeframe covers FY 2008 to FY 2010. This review does not cover agency expenditures or financial statements. While we reviewed the parole decision-making process, we did not attempt to gauge the accuracy or correctness of the Parole Board's parole decisions.

### Methodology

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This report utilizes information compiled from the West Virginia Parole Board and the Department of Corrections. Information was also obtained from *West Virginia Code*, the *Code of State Regulations*, and the *Operating Detail of the Executive Budget*.

To develop an understanding of the parole process, we reviewed *West Virginia Code* and *the Code of State Regulations*. We then had interviews with Parole Board staff and sat in on several parole hearings. One issue we immediately noticed was that a significant number of parole hearings were being delayed due to missing or incomplete paperwork. We then reviewed the results of all parole hearings from FY 2008 to FY 2010 and placed emphasis on the decisions that were delayed and the various reasons for delay. We decided that the power to reduce the number of delayed parole decisions was outside of the purview of the Parole Board and will be discussed further in another report.

To achieve our objectives related to performance measures, we interviewed DOC staff, and reviewed policies and procedures of the agency as well as the *Operating Detail*. This information was then used to create suggestions for agency performance measures.

In regard to the website, we spoke with DOC staff and reviewed the agencies website using a website scoring tool that was developed internally. The website evaluation tool was then used to suggest areas for improvement in user-friendliness and transparency.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Appendix C: Website Criteria Checklist and Point System

<b>Website Criteria Checklist and Points System West Virginia Parole Board</b>			
<b>User-Friendly</b>	<b>Description</b>	<b>Total Points Possible</b>	<b>Total Agency Points</b>
<b>Criteria</b>	The ease of navigation from page to page along with the usefulness of the website.	<b>18</b>	<b>11</b>
		<b>Individual Points Possible</b>	<b>Individual Agency Points</b>
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	2 points
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link’s text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. “How do I...”, “Questions?” or “Need assistance?”)	2 points	2 points
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0 points
Content Readability	The website should be written on a 6 <sup>th</sup> -7 <sup>th</sup> grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	Yes
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1), and resizing of text should not distort site graphics or text (1).	3 points	3 points
Site Map	A list of pages contained in a website that can be accessed by web crawlers and users. The Site Map acts as an index of the entire website and a link to the department’s entire site should be located on the bottom of every page.	1 point	1 point
Mobile Functionality	The agency’s website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	0 points
Navigation	Every page should be linked to the agency’s homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2 points

<b>Website Criteria Checklist and Points System</b> <b>West Virginia Parole Board</b>			
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	1 point
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	0 points
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 points
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	0 points
RSS Feeds	RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format. All agency websites should have a RSS link on their websites.	1 point	0 points
Transparency	Description	Total Points Possible	Total Agency Points
Criteria	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	32	8
		Individual Points Possible	Individual Agency Points
Email	General website contact.	1 point	0 points
Physical Address	General address of stage agency.	1 point	1 point
Phone Number	Correct phone number of state agency.	1 point	1 point
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	0 points
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	1 point
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	0 points

<p style="text-align: center;"><b>Website Criteria Checklist and Points System</b> <b>West Virginia Parole Board</b></p>			
Privacy policy	A clear explanation of the agency/state’s online privacy policy.	1 point	0 points
Public Records	<p>The website should contain all applicable public records relating to the agency’s function. If the website contains more than one of the following criteria the agency will receive two points:</p> <ul style="list-style-type: none"> <li>• Statutes</li> <li>• Rules and/or regulations</li> <li>• Contracts</li> <li>• Permits/licenses</li> <li>• Audits</li> <li>• Violations/disciplinary actions</li> <li>• Meeting Minutes</li> <li>• Grants</li> </ul>	2 points	1 point
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	0 points
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	0 points
Mission statement	The agency’s mission statement should be located on the homepage.	1 point	1 point
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	1 point
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	0 points
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	1 points
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	0 points
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	0 points
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0 points



# Appendix D: Agency Response



**EARL RAY TOMBLIN**  
GOVERNOR

**JOSEPH C. THORNTON**  
CABINET SECRETARY

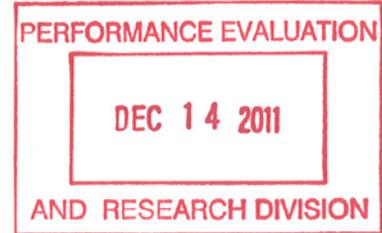
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December 9, 2011

John Sylvia  
West Virginia Legislature  
Performance Evaluation and Research Division  
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Dear Mr. Sylvia:

The Parole Board office received the draft copy of our Performance review. We have reviewed and discussed it, and agree with the recommendations.

The Board has limited ability to meet our current performance goal of reducing the number of Further Considerations. We have listed this reduction as our goal, as it has remained our goal to interview every inmate on time. We have already begun tracking the reason for delayed interviews and will continue to do so.

The Parole Board will track and include the recidivism rate in regards to the number of people we place on parole. We believe true recidivism is when a person returns to a life of crime. Most parolees are revoked on technical parole violations and not new crimes. However, we do believe our performance is directly related to how many of the inmates we paroled compared to how many discharge and how many are returned to prison.

The Parole Board website will be updated to include parole interview dates pertaining to the locations and attempt to make it more transparent.

We thank you for taking the time to review our Agency and it was a pleasure working with your staff.

Sincerely,  
  
Dennis W. Foreman  
Chairman

DWF

Cc: file





WEST VIRGINIA LEGISLATIVE AUDITOR

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